

### **REMARKS**

Upon entry of this amendment, claims 44-47, 49, 51-53, and 63-64 will be pending. Claims 48, 50, and 58 are canceled without prejudice or disclaimer. Independent claim 44 is amended and new claims 63 and 64 are added without introducing new matter. Support for the amendment to independent claim 44 can be found in the specification at, e.g., page 13, lines 18-24, and support for the new claims can be found in claim 1 as originally filed.

#### **STATUS OF THE OFFICE ACTION**

In a telephone conversation on June 1, 2004 with the undersigned, the Examiner stated that the pending Office action is non-final, thereby resolving the contradictory status information appearing in the Office Action Summary and on page 5 of the Office action. Accordingly, the present Response is to a non-final Office action.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

The Office action rejected claim 48 under 35 U.S.C. § 112, second paragraph, contending that there was insufficient basis for several recited elements. In response, Applicants submit that this rejection is now moot because claim 48 has been canceled. Withdrawal of this rejection is respectfully requested.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. § 102**

The Office Action rejected pending claims 44-53 and 58 under 35 U.S.C. § 102(b) as being anticipated by US patent no. 4,559,533 to Bass et al. ("Bass"). Applicants traverse these rejections because Bass does identically disclose each and every element of independent claim 44.

Claim 44 now recites:

A method for automatic control of window overlap based on a user's history of window use, comprising:

automatically determining priorities of overlapping windows displayed on a graphical user interface, said window priority being derived from the user's history of window use, and

automatically arranging said plurality of windows to overlap one another in order of said priority on said graphical user interface.

Briefly, this claim is directed to automatic control of window overlap in graphical user interfaces (GUI), and specifically it automatically arranges overlapping windows according to a priority that is derived from a user's prior window use or manipulation. See the specification at, e.g., page 10, lines 7-19; page 13, lines 8-29; and Fig. 4. User window manipulations on which this priority can be based are those provided by typical GUIs, including, for example, selecting a window, deselecting a window, adjusting a window's display area, scrolling a window's contents, and the like. Dependent claim 63 recites several such window manipulations.

Bass does not disclose determining automatically window priority and arranging automatically window overlap according to priority. Instead, Bass' system is entirely driven by user commands; it does not perform any window manipulation automatically, of its own accord.

Specifically, Bass discloses an electronic graphics system architecture that displays up to seven viewports on a display according to their priorities. See Bass at, e.g., col. 1, lines 8-10. Bass' system adjusts the viewports on a display solely in response to explicit user commands. See Bass at, e.g., Figs. 7-17. Certain user-entered commands are accompanied by a user-entered priority. See Bass at, e.g., col. 4, lines 57-60; and col. 10, lines 3-5. In the absence of a user-entered priority, Bass' system never determines a priority on its own, and thus does not "automatically" determine priorities from a "user's history of window use".

Accordingly, it is respectfully submitted that independent claim 44 and dependent claims 45-47, 49, 51-53, and 63-64, all of which inherit the patentable limitations of their parent independent claim 44, are not anticipated by Bass. It is respectfully requested that the current rejection be withdrawn.

In further support of patentability, it is also submitted that the step of "automatically determining a priority" for controlling window "overlap" and derived from a "user's history of window use" is not disclosed or taught in US patent no. 5,848,396 to Gerace ("Gerace") or in US patent no. 5,353,400 to Nigawara et al. ("Nigawara"), both of which have been relied on in prior Office actions.

First, Gerace is entirely directed to constructing "screen displays" from selected content; this reference never address "overlapping windows" or their control, or user window manipulations, and never considers or uses for any purpose a "user's history of window use".

Instead, Gerace's method selects sports news, stock news, weather forecasts, and the like that are likely be of interest to a user, and then constructs a "screen view" for display to the user that contains the selected information along with targeted advertisements. See Gerace at, e.g., col. 2, lines 24-29; and col. 4, lines 22-36. Specifically, Gerace constructs a "psychographic/behavioral profile" of a user and employs this profile to select content and advertisements. A "psychographic/behavioral profile" is not a "history of window use", and selecting content and advertisements is not controlling "overlapping windows".

Finally, Nigawara's system is entirely directed to control systems for industrial plants, and specifically to modifying already prepared display screens used to monitor such systems. See Nigawara at, e.g., col. 1, lines 9-15; and col. 2, lines 30-33. Nigawara also never address "overlapping windows" or their control, or user window manipulations, or a "user's history of window use".

Instead, according to Nigawara, plant monitoring data appearing in an already prepared monitoring display can be selected for limited modification by deletion, change of intensity, change of color, change of magnification, translation, and periodic update. See Nigawara at, e.g., col. 2, line 46 to col. 3, line 23. Throughout this reference, data is selected and modified solely according to its current importance in plant operation, or its usefulness to a user, or the like. See Nigawara at, e.g., col. 3, lines 30-32; col. 4, line 59 to col. 5, line 2; and col. 5, lines 14-32. That is, display data is selected solely according to content, and not according to, e.g., a "user's history of window use". Moreover, Nigawara's modified display screens usually occupy an entire display device. See Nigawara at, e.g., Figs. 10-18 (monitoring screens without windows, much less overlapping windows). Alternatively, two or more displays may be "presented simultaneously" on a display device. See Nigawara at, e.g., col. 3, lines 42-44; and col. 8, lines 47-57. Such "simultaneous" display, of course, precludes window "overlap".

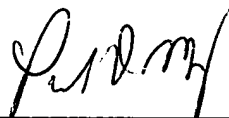
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Thus, neither Gerace nor Nigawara are directed to, or even mention, overlapping windows, and cannot and do not disclose or teach determining window priority based on prior user window manipulations.

In conclusion, Applicants respectfully submit that Bass does not anticipate any claim pending in this application, and further that Bass combined with art previously relied on by the Examiner's do make obvious of pending claim.

In view of the foregoing, Applicants respectfully submit that all the Examiner's objections and rejections have been addressed and that all of the claims in the present application are allowable. Accordingly, Applicants respectfully request that the claims be reconsidered and passed to allowance.

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